

Toth et al.

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S/N:10/765,618

REMARKS

In the Office Action mailed October 26, 2005, the Examiner rejected claims 1-2 and 5 under 35 U.S.C. §102(b) as being anticipated by Mun et al (USP 6,456,684). The Examiner next rejected claims 1-2 and 8 under 35 U.S.C. §102(b) as being anticipated by Moore et al (USP 4,181,858). Claims 6-7 are rejected under 35 U.S.C. §103(a) as being unpatentable over Mun et al. in view of Horiuchi (US Pub. No. 2002/0037067A1). Claim 7 was objected to because of informalities. Applicant appreciates the indication that claims 3-4 are allowable.

Claims 9-32 have been withdrawn as being drawn to a nonelected invention. Applicant has filed a Petition from Requirement for Restriction under 37 C.F.R. §1-144 under separate cover requesting supervisory review of the restriction of claims 9-32. As set forth therein, it is believed that claims 9-32 should be rejoined for consideration in the present application.

Claim 7 has been amended per the Examiner's suggestion.

In the rejection of claim 1 the Examiner concluded that Mun et al. teaches each and every element called for in the claim including "at least one sensor to provide subject-position feedback." Mun et al. teaches "a surgical scanning system [that] includes a scanner supported on a carrier movable relative to an operating room table. The carrier engages a guide that is collinear with the long axis of an operating room table. The relative movement between an operating room table and a scanner along a guide decreases the likelihood of collision therebetween." MUN ET AL., US6,456,684, Abstract. To this end, the reference further teaches "a distant alignment target device 16 [which] is used in conjunction with an alignment device 26. The alignment device 26 is used in conjunction with a laser mounted on the OR table 14 or table extension 24." *Id.* at col. 4, ll. 1-4. The Examiner asserted that the disclosed "alignment device" anticipated the "at least one sensor" called for in claim 1. However, this alignment device "allows a physician to measure an angle subtended between a medical instrument and a reference platform or an OR table." *Id.* at ll. 20-22. Thus, the alignment device does not provide feedback as to the position of the subject.

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Additionally, while Mun et al. discloses laser alignment devices that "project illuminated alignment cues onto a target," Mun et al. discloses that the laser alignment device, or a plurality of such devices, "located at preselected intervals ... assure a safe location of a patient with respect to a CT gantry." *Id.* at ll. 19-23. As such, the alignment device disclosed by Mun et al. does not provide feedback as to the position of a subject, but rather provides an indication as to the position of the alignment device itself. While Applicant agrees that such an alignment device facilitates alignment of a subject relative to a CT gantry, the alignment device fails to provide any feedback as to the position of the subject. Any feedback as to the position of the subject is provided by the subject. That is, if the subject is placed in the path of laser light, the subject, through visual inspection, by the physician can determine the position of the subject; however, as described above, the alignment device does not provide any feedback.

This is particularly evident given the purpose of the invention disclosed by Mun et al. Specifically, Mun et al. teaches an operating room table that can quickly be positioned relative to an imaging scanner, such as a CT scanner, for the acquisition of images from a patient on the operating table. Thus, the same table on which a patient rests for a surgical procedure is also used as the patient table of a scanner. The alignment devices are thus used to position an operating room table relative to a scanner in which the operating room is not coupled as in conventional scanners. In other words, the alignment device simply provides a positional indicator similar to a textual marker on the surgical table itself. In either case, subject position feedback is not provided by a sensor as called for in claim 1. Accordingly, claim 1 is believed to be in condition for allowance.

Applicant disagrees with the Examiner with respect to the art as applied in the rejection of claims 6-7, but in light of claims 6-7 depending from what are believed to be otherwise allowable claims, Applicant does not believe additional remarks are necessary and requests allowance of claims 6-7 at least pursuant to the chain of dependency.

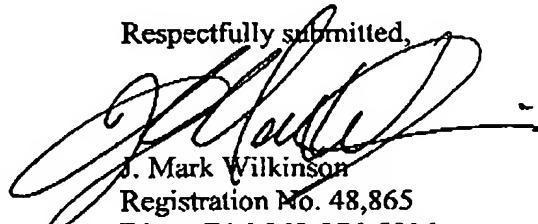
Therefore, in light of at least the foregoing, Applicant respectfully believes that the present application is in condition for allowance. As a result, Applicant respectfully requests timely issuance of a Notice of Allowance for claims 1-32.

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Applicant appreciates the Examiner's consideration of these Amendments and Remarks and cordially invites the Examiner to call the undersigned, should the Examiner consider any matters unresolved.

Respectfully submitted,



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